

## **REMARKS**

Claims 1-29 are pending in this application. Claims 1-13 stand rejected. Claim 9 has been amended. Claims 14-29 are withdrawn from consideration. The Examiner's reconsideration of the rejection is respectfully requested in view of the above amendment and the following remarks.

### **Election/Restriction**

Although Applicant disagrees with the finality of the Restriction requirement, claims 14-29 have been withdrawn from consideration.

### **Claim Objections**

Claim 9 was objected to for the reasons set forth on page 2 of the Office Action. In response, Applicant has amended as suggested by the Examiner. Accordingly, the withdrawal of the claim objection is respectfully requested.

### **Rejections Under 35 U.S.C. § 102:**

Claims 1-4, 7, 10 and 12-13 were rejected under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,730,950 to Seshadri for the reasons stated on page 3 of the Office Action. The rejection is respectfully traversed.

Applicants respectfully submit that Seshadri does not disclose or suggest "a floating gate electrode, a floating gate plug, and a lower electrode constituting a conductive structure which is electrically insulated", as essentially recited in claim 1.

The Office Action states that "Seshadri discloses the same structure as claimed, therefore, it is inherent that the structure is an OTP ROM." Applicant respectfully

disagrees. An embodiment of a conductive structure as claimed in claim 1 is shown, for example, in Fig. 6 including a floating gate electrode (130), a floating gate plug (174), and a lower electrode (184) being electrically insulated by, for example, a gate insulating layer (120), an interlayer dielectric (150), and an intermetal dielectric (205). (See also page 12, lines 5-8). In contrast, the conductive structure in Seshadri including a gate electrode, a gate plug (61c), and a lower electrode (61) is not electrically insulated because the lower electrode (61) is electrically connected to another electrode such as a drain region (69b) through gate plugs (61b and 61d) in E2 and E4 regions. (See Figs. 5C).

Therefore, Applicant respectfully submits that claim 1 is not anticipated by Seshadri. Claims 2-4, 7, 10, 12 and 13 depend upon claim 1 and therefore include the elements of claim 1, which, for the reasons stated hereinabove, is not anticipated by the cited reference.

Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection of claims 1, 2-4, 7, 10, 12 and 13 under 35 U.S.C § 102(e).

**Rejections Under 35 U.S.C. § 103:**

Claims 5 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Seshadri for the reasons stated on page 5 of the Office Action. Claims 5 and 11 depend from claim 1. These claims are believed to be patentable over Seshadri at least for the same reasons given for claim 1. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

Claims 6, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Seshadri in view of U.S. Patent No. 6,602,749 to Tu. Claims 6, 8 and 9 depend from claim 1. These dependent claims are believed to be patentable over Seshadri in

view of Tu at least for the same reasons given for claim 1. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

For the foregoing regions, the present invention, including claims 1-13, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Respectfully submitted,

By:

  
Frank Chau  
Reg. No. 34,136  
Attorney for Applicant

F.CHAU & ASSOCIATES, LLC  
130 Woodbury Road  
Woodbury, New York 11797  
Telephone: (516) 692-8888  
Facsimile: (516) 692-8889